IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 25668 of 2002

Between:

Chandrakala w/o Yadagiri, Fair Price Shop Dealer,
Kuntloor Village, Hayathnagar mandal.,
R.R.District.

..... PETITIONER

AND

1. Special Deputy Collector, Revenue Divisional Officer, R.R.East.,
   Hyderabad.

2. Krishna Reddy, s/o Pratap Reddy, Aged: about 30 years, Ward Member, Agriculturist, r/o Kuntloor (v), Hayathnagar Mandal, R.R. District.

(R.2 is impleaded as per Court order Dt. 27-01-2003 in W.P.M.P.NO. 602 of 2003)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more in the nature of Writ of Mandamus declaring the action of the respondent to suspend the authorization of the petitioner in Proc.No.C/304/2002 dated 7-10-2002 issued by the respondent herein is illegal and void.

Counsel for the Petitioner: MR.V.H.V.R.R.SWAMY

Counsel for the Respondent No.1: G.P. FOR CIVIL SUPPLIES.

Counsel for the Respondent No.2: MR.KOPPULA.GOPAL

The Court made the following:

Oral order:-

Heard the learned counsel for the petitioner, the learned Government Pleader for Civil Supplies and Mr. K. Gopal, learned counsel for the 2nd respondent.

The writ petition is filed by a Fair Price Shop Dealer of Kuntloor village, Hayathnagar Mandal, Ranga Reddy district, who was appointed as such in the year 1995. By the order dated 07-10-2001 of the 1st respondent, the petitioner's authorization to run the fair price shop was suspended on the ground that since her marriage, about three years prior to the date of the impugned order, the petitioner was residing with her inlaws at Anki Reddy Pally village and was distributing the essential commodities by frequently coming to the Kuntloor village and that in her absence, her father is maintaining the fair price shop. In this regard, representations were made by the Sarpanch of the village concerned and the 1st respondent has also recorded in the impugned order that during his visit to the village on 01-10-2002, the petitioner was not present. The petitioner's grievance is that on the basis of similar complaints earlier, the same respondent, after a process of inquiry, found that the petitioner was residing in the village and that this fact was recorded in the order dated 07-11-2001.

The facts recorded in the impugned order dated 07-10-2001 are *prima facie* conclusions in support of an order of suspension of the petitioner's authorization. Whether the petitioner has violated any of the conditions of authorization and whether she was not residing in Kuntloor village and was operating in the village, while residing in Anki Reddy Pally village, are all facts that will have to be concluded after a regular inquiry. On the basis of *prima facie* conclusions recorded in the order dated 07-10-2002, this court discerns no infirmity in the exercise of

discretion by the 1st respondent in the matter of suspension of the petitioner's authorization. On the aforesaid analysis, no interference is called for. The writ petition is, accordingly, dismissed. The 1st respondent is directed to expeditiously conduct the inquiry and pass orders thereon, preferably within a period of eight (8) weeks from the date of receipt of a copy of this order. No costs.

GODA RAGHURAM, J

Dt. 18-01-2005

Pvks/*

To

1. Special Deputy Collector, Revenue Divisional Officer, R.R.East., Hyderabad.

2.2CCs to the Government Pleader for Civil Supplies, A.P. High Court Buildings, Hyderabad (OPUC).

3.2CD copies

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